

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-16 are pending in this application.

Claims 1, 14 and 15 are rejected.

Claims 2-13 and 16 are objected to.

Claims 1 and 15 have been cancelled, with out prejudice.

Claims 17-21 have been added.

Claims 2, 4, 5, 13, 14 and 16 have been amended. Support for these amendments can be found throughout the specification, claims and drawings as originally filed.

Claim Objections

Claims 2-12, 13 and 16 were objected to as being dependent upon a rejected base claim. However, the Office Action indicated that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant kindly thanks Examiner Cherry for indicating that claims 2-12, 13 and 16 would be allowable if rewritten in independent form. Applicant submits that claims 2, 13 and 16 have been amended and are now written in independent form. Applicant respectfully requests allowance of independent claims 2, 23 and 16. Furthermore, Applicant notes that claims 3-12 are all dependent claims that depend directly or indirectly from independent claim 2. Applicant also respectfully requests allowance of these dependent claims.

Rejection of Claims 1 and 14 Under 35 USC § 102(b)

The Office Action indicated that claims 1 and 14 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,042,932 issued to Pent (hereafter the '932 patent). The Office Action indicated that

Pent discloses a vehicle rear view mirror comprising: a casing that contains an entrance sealed by a mirror, (Fig. 1, 36), a first drive means for pivoting the mirror on a first axis (38), a second drive means for pivoting said mirror on a second axis perpendicular to the first axis (40, see abstract lines 6-7), and an electric motor for selectively driving the first and second drive means in rotation (12a), characterized in that the first drive means comprise a first cylindrical member rotary mounted and containing a first ramp defining a closed loop having a high point and a low point situated in two diametrically opposite positions and two first followers bearing on the first ramp in two locations situation in diametrically opposite positions and moving along the said first ramp when the first cylindrical member is driven in rotation by the electric motor (see 32, column 2, lines 14-35). The first and second drive means and the control means are housed in a cylindrical receptacle situated inside the casing and containing a back provided with openings through which the claims projecting on the rear face of the mirror (see Fig. 2.)

Applicant notes that claims 1 and 14 have been cancelled from the present application. However, Applicant has submitted a new independent claim 17. In an effort to expedite prosecution of the present application, Applicant submits that claim 17 is patentably distinct from the '932 patent as follows. In pertinent part new claim 17 states that the first cylindrical member has "a first ramp defining a closed loop having a high point and a low point situated in **two diametrically opposite positions...**" The '932 patent does not disclose such a feature. The Office Action indicated that the first cylindrical member is labeled 32 on Fig. 1. There is nothing in the specification of the '932 patent that discloses a first ramp defining a closed loop having a high point and a low point situated in two

diametrically opposite positions. Element 32 in the '932 patent is directed to a pivoting element that is semi-spherical in shape.

For the above reasons, Applicant believes that the '932 patent fails to anticipate each and every element of new claim 17. Therefore, allowance of new claim 17 is respectfully requested. Additionally, applicant believes that dependent claims 18-22 which depend either directly or indirectly from new claim 17 are also allowable by virtue of their dependency.

Rejection of Claim 15 Under 35 USC § 103(a)

Claim 15 of the present application was rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,042,932 issued to Pent (hereafter the '932 patent). Applicant submits that claim 15 of the present application has been cancelled, therefore, the rejection as presented in the Office Action has been obviated by the cancellation of claim 15. New claims 17-22 have been added to the present application which are not rendered obvious by the '932 patent.

Applicant submits that the '932 patent does not render new claims 17-22 obvious since the '932 patent fails to teach or suggest a first cylindrical member having a closed loop ramp with a high point and low point situated in two diametrically opposite positions. This feature is not shown in the drawings of the '932 patent, nor is it described in the specification. Since the '932 patent fails to teach or suggest this particular element, one of ordinary skill in the art would not be motivated to modify the '932 patent to arrive at the combination of elements as presented in new claim 17 or new dependent claims 18-22 which depend from

claim 17. Therefore, it is submitted that new claims 17-22 are patentably distinguishable over the '932 patent.

CONCLUSION

It is respectfully submitted that in view of the above amendments and remarks claims 2-14 and 16-22, as amended or submitted new, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, suggest or render obvious, the present invention. Therefore, applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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Dated: March 15, 2005

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